



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/645,848

08/22/2003

Aki Niemi

59643.00314

8144

32294

7590

02/24/2009

SQUIRE, SANDERS & DEMPSEY L.L.P.  
8000 TOWERS CRESCENT DRIVE  
14TH FLOOR  
VIENNA, VA 22182-6212

EXAMINER

DESIR, PIERRE LOUIS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

02/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,848	<b>Applicant(s)</b> NIEMI, AKI	
	<b>Examiner</b> PIERRE-LOUIS DESIR	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/2008 has been entered.

### ***Response to Arguments***

1. Applicant's arguments filed on 01/22/2009 have been fully considered but they are not persuasive.

Applicants argue a person of ordinary skill in the relevant art would readily understand that SIP signaling is achieved in accordance with session initiation protocol, and would readily understand that a signaling protocol, such as SIP comprises a computer readable code on a computer memory, wherein a computer memory is an example of a computer readable medium.

Examiner respectfully disagrees.

It appears that Applicants are asserting that SIP is synonymous to a computer readable medium. This assertion is incorrect. SIP is a signaling protocol that is used for setting up and tearing down multimedia communication such a voice and video calls.

Though one can assume that a SIP client may comprise a memory, some type of disclosure, however, would need to be present in the claims, at the time the invention was filed, to support that assumption.

Art Unit: 2617

It is a fact that there is no description, specific or otherwise, of computer readable medium that would reasonably convey to one skilled in the art that the applicants, at the time of the application was filed, had possession of the claimed invention. As such, the 35 U.S.C. 112 first paragraph rejection is maintained.

Applicants further argue that Chung fails to disclose “wherein the third message comprising the network address is transmitted from the first terminal to the at least one other terminal by either direct communication or communication via the conference server.”

Examiner respectfully disagrees.

Throughout the previous Office Action, conference server was interpreted as the communication controller that is disclosed in the Chung.

In the specification, Conference server is described as a server that administers conference resources in a communication system. Chung’s communication controller is responsible for setting up conferences between users, maintaining user information, and interfacing with the integrated enterprise directory (paragraph 43), and selects a communication server to be used in the conference (paragraph 73). The communication server disclosed by Chung does not administer conference resources, the conference resources are administered by the communication controller.

Now, knowing that the communication controller is the entity that administers the conference resources, Chung disclosure of the communication controller sending a redirection message to the SEC client does read on the claim (paragraphs 70-81, 83-84, and 91) since the message is sent via the communication controller, i.e., conference server.

Art Unit: 2617

Applicants also argue that the combination of Chung and Gourraud fails to disclose, “wherein the network address is a dynamically generated uniform resource identifier,” and cited paragraphs 27-28 of Gourraud for support.

Examiner respectfully disagrees. In **paragraph 24**, Gourraud discloses that the conference call is identified by a **Uniform Resource Identifier**, which is **dynamically updated** during the ongoing conference call (see paragraph 24).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 25-32, 49-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 25-32 and 49-52 discloses a “computer readable medium.” This disclosure constitutes new matter.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2617

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 25-48 are rejected under 35 U.S.C. 102(a) as being anticipated by Chung et al. (Chung), Publication Number US 2002/0078153.

Regarding claims 25 and 33, Chung discloses a computer readable medium encoded with a computer code for performing a method when run on a computer (see paragraph 40) and a method comprising:

transmitting from a first terminal to a conference server a first message comprising a request for a resource capable of sustaining a conference call (i.e., user a has an SEC client device for initiating the conference...communicates an invitation message to the communications controller which creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73);

receiving by the first terminal from the server a second message comprising a network address identifying a resource capable of sustaining the conference call which has been allocated by the server (i.e., the communications sends a redirection message to the SEC client associated with user A. the redirection message includes the conference ID of the new conference) (see paragraph 75); and

transmitting from the first terminal to at least one other terminal a third message comprising the network address, wherein the third message comprising the network address is transmitted from the first terminal to the at least one other terminal by either direct communication or communication via the conference server (i.e., user is invited to join the conference. To invite

Art Unit: 2617

user B to join the conference, the SEC client associated with user A sends an invitation message such as a SIP INVITE message to the communications controller 114. The invitation message is addressed to the conference identifier and includes the user identifier for user A. The invitation message also includes a proposed header addressed to user identifier of user B. Upon receiving the invitation message, and if user B is available, the communication controller communicates a second invitation message to the SEC client associated with user B, wherein the conference ID for the specified conference is included as a URI in the SIP Contact header) (see fig. 7, paragraphs 83-84, and 91). Thus, to invite a user to join a specified conference a (indirect) message is sent to the communication controller and forwarded to the SEC client associated with user B.

A first message requesting resource is sent to the controller. A second message including the resource, i.e., conference ID, is allocated and sent to the user A. User A, to invite another user to join the conference, would send an invite message to the communication controller. The message would include a "To" header, "From" header, and "Also" header. The Also header would identify user B as the user to forward the message for the invitation to join the conference. And, the message will be forwarded to user B, in the form of a second invite message, accompanied by the conference ID, to join the conference. Also, paragraph 91 discloses an embodiment wherein user A uses contact information to invite other users to join the existing conference using the methods described with fig. 7.

Regarding claim 41, Chung discloses an apparatus, comprising:  
a transmitter configured to transmit to a conference server a first message comprising a request for a resource capable of sustaining a conference call (i.e., user a has an SEC client device for

Art Unit: 2617

initiating the conference...communicates an invitation message to the communications controller which creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73); and

a receiver configured to receive from the conference server a second message comprising a network address identifying a resource capable of sustaining the conference call which has been allocated by the server (i.e., the communications sends a redirection message to the SEC client associated with user A. the redirection message includes the conference ID of the new conference) (see paragraph 75), and

wherein the transmitter is further configured to transmit to at least one terminal a third message comprising the network address, wherein the third message comprising the network address is transmitted from the first terminal to the at least one other terminal by either direct communication or communication via the conference server (i.e., user is invited to join the conference. To invite user B to join the conference, the SEC client associated with user A sends an invitation message such as a SIP INVITE message to the communications controller 114. The invitation message is addressed to the conference identifier and includes the user identifier for user A. The invitation message also includes a proposed header addressed to user identifier of user B. Upon receiving the invitation message, and if user B is available, the communication controller communicates a second invitation message to the SEC client associated with user B, wherein the conference ID for the specified conference is included as a URI in the SIP Contact header) (see fig. 7, paragraphs 83-84, and 91). Thus, to invite a user to join a specified



Art Unit: 2617

conference a (indirect) message is sent to the communication controller and forwarded to the SEC client associated with user B. Also refer to claim 1 for the disclosed further analysis.

Regarding claims 26, 34, and 42, Chung discloses a method, and apparatus (see claims 25, 33, and 41 rejections) further comprising initiating a connection from the first terminal to the network address to establish a conference call between the first terminal and the said other terminal (i.e., the SEC client device associated with user A communicates a second invitation message to communications controller, wherein the invitation message is addressed to the conference identifier) (see paragraph 76).

Regarding claims 27, 35, 43, Chung discloses a computer readable medium, a method, and apparatus (see claims 26, 34, and 42 rejections) wherein the transmitting the third message further comprises transmitting from the first terminal to at least two other terminals the third message comprising the network address (i.e., Chung discloses that User A using SEC client 170 can participate in conference 1 with user B and user C. Thus, the third message, including the conference identifier, is forwarded to both user B and user C) (see fig. 7, paragraphs 83-85, 91, 110), and wherein the initiating further comprises initiating a connection from the first terminal to the network address to establish the conference call between the first terminal and the said other terminals (see fig. 7, paragraphs 83-85, 91, and 110).

Regarding claims 28, 36, 44, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein the first, second and third messages are session initiation protocol messages (i.e., SIP invite, SIP redirect, and SIP invite/refer) (see figs. 6-7, and paragraphs 71, 75, and 83).

Art Unit: 2617

Regarding claims 29, 37, and 45, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein in the transmitting from a first terminal to the server, the first message is an INVITE message (see paragraph 71).

Regarding claims 30, 38, and 46, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein in the receiving from the server, the second message is a redirection message (see paragraph 75).

Regarding claims 31, 39, and 47, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein in the transmitting from the first terminal to at least one other terminal, the third message is a REFER message (see fig. 7, and paragraph 83).

Regarding claims 32, 40, and 48, Chung discloses a computer readable medium, a method, and apparatus (see claims 25, 33, and 41 rejections) wherein in the receiving by the first terminal, the network address is a uniform resource identifier (i.e., SIP URI) (see paragraph 72).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 49-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Gourraud, Publication Number US 20040037406.

Art Unit: 2617

Regarding claims 49 and 53, Chung discloses a computer readable medium encoded with a computer code for performing a method when run on a computer (see paragraph 40), the method comprising: receiving from a first terminal a first message comprising a request for a resource capable of sustaining a conference call (i.e., user a has an SEC client device for initiating the conference...communicates an invitation message to the communications controller which creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73); allocating a network address identifying a resource capable of sustaining the conference call (i.e., creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73); and transmitting to the first terminal a second message comprising the network address that identifies the resource capable of sustaining the conference call (i.e., the communications sends a redirection message to the SEC client associated with user A. the redirection message includes the conference ID of the new conference) (see paragraph 75).

Although Chung discloses a method and apparatus as described, Chung does not specifically disclose a method and apparatus wherein the network address is a dynamically generated uniform resource identifier.

However, Gourraud discloses a method and apparatus wherein the conference call is identified by a Uniform Resource Identifier, which is dynamically updated during the ongoing conference call (see paragraph 24).

Art Unit: 2617

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Gourraud with the teachings described by Chung to arrive at the claimed invention. A motivation for doing so would have been the conference identifier is always associated to the participants currently involved in the conference call (see paragraph 24).

Regarding claim 57, Chung discloses an apparatus comprising a receiver configured to receive from a first terminal a first message comprising a request for a resource capable of sustaining a conference call (i.e., user A has an SEC client device for initiating the conference...communicates an invitation message to the communications controller which creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73); an allocation unit configured to allocate a network address identifying a resource capable of sustaining the conference call i.e., creates a new conference by generating and assigning a unique conference identifier to the conference. This conference identifier may be in the form of a SIP URL. Then, an MCU server is selected) (see fig. 6, and paragraphs 72-73); and a transmitter configured to transmit to the first terminal a second message comprising the network address that identifies the resource capable of sustaining the conference call (i.e., the communications controller sends a redirection message to the SEC client associated with user A. the redirection message includes the conference ID of the new conference) (see paragraph 75).

Art Unit: 2617

Although Chung discloses a method and apparatus as described, Chung does not specifically disclose a method and apparatus wherein the network address is a dynamically generated uniform resource identifier.

However, Gourraud discloses a method and apparatus wherein the conference call is identified by a Uniform Resource Identifier, which is dynamically updated during the ongoing conference call (see paragraph 24).

Therefore, it would have been obvious tone of ordinary skill in the art at the time of the invention to combine the teachings as described by Gourraud with the teachings described by Chung to arrive at the claimed invention. A motivation for doing so would have been the conference identifier is always associated to the participants currently involved in the conference call (see paragraph 24).

Regarding claims 50, 54, and 58, Chung discloses a method and apparatus (see claims 49, 53, and 57 rejections) wherein the first and second messages are session initiation protocol messages (i.e., SIP invite, SIP redirect, and SIP invite/refer) (see figs. 6-7, and paragraphs 71, 75, and 83).

Regarding claims 51, 55, and 59, Chung discloses a method, and apparatus (see claims 49, 53, and 57 rejections) wherein the first message is an INVITE message (see paragraph 71).

Regarding claims 52, 56, and 60, Chung discloses a method, and apparatus (see claims 49, 53, and 57 rejections) wherein the second message is a redirection message (see paragraph 75).

### ***Conclusion***

Art Unit: 2617

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on Monday-Friday 9:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pierre-Louis Desir/  
Examiner, Art Unit 2617

/Dwayne D. Bost/  
Supervisory Patent Examiner,  
Art Unit 2617